

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DANA GIBSON

Plaintiff,

-v.-

Civil Action No.  
9:13-cv-503 (GLS/TWD)

C. ROSATI, et al.

Defendants.

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APPEARANCES:

OF COUNSEL:

**FOR THE PLAINTIFF:**

DANA GIBSON  
05-A-3824  
*Pro Se*  
Wende Correctional Facility  
P.O. Box 1187  
Alden, New York 12524

HON. ERIC T. SCHNEIDERMAN  
Attorney General for the  
State of New York  
The Capitol  
Albany, New York 12224

JOSHUA E. MCMAHON, ESQ.

GARY L. SHARPE,  
CHIEF JUDGE

**ORDER**

The above-captioned matter comes to this court following a Report-  
Recommendation by Magistrate Judge Therese Wiley Dancks, duly filed

June 30, 2014. Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED that the Report-Recommendation of Magistrate Judge Therese Wiley Dancks filed June 30, 2014 (Dkt. No. 70) is ACCEPTED in its entirety for the reasons stated therein; and it is further

ORDERED that Defendants' motion to dismiss for failure to state a claim (Dkt. No. 47) is DENIED; and it is further

ORDERED that the Defendants' motion to sever (Dkt. No. 47) is DENIED; and it is further

ORDERED that the Defendants shall respond to all causes of action within thirty days of this order; and it is further

ORDERED that this matter be scheduled for an evidentiary hearing on the matter of exhaustion for all causes of action; and it is

ORDERED that the Clerk provide a copy of this Order to the parties in accordance to the local rules.

IT IS SO ORDERED.

Dated: August 1, 2014  
Albany, New York

  
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Gary L. Sharpe  
Chief Judge  
U.S. District Court